



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2304457  
**Applicant Name:** Troy Hussing for Robert and Molly Cadranell  
**Address of Proposal:** 2369 Fairview Avenue East

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit to establish use for future construction of a New Floating Home Moorage on Lake Union, consisting of eight floating homes and associated walkways. Parking for eight vehicles to be provided in an off-site accessory parking lot at 2364 Fairview Avenue East is being reviewed under project number 2305119. Project includes future demolition of a Recreational Marina and associated structures.

The following Master Use Permit components are required:

**Shoreline Substantial Development Permit** - for the future construction of a New Floating Home Moorage in an Urban Stable (US) Shoreline Environment - (SMC 23.60.600)

**Shoreline Conditional Use** - to allow a New floating Home Moorage in the US Environment SMC Section 23.60.604A3 & WAC 173-27-160.

**SEPA** - Environmental Determination - (SMC 25.05)

**SEPA DETERMINATION:**

☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or, involving another agency with jurisdiction.\*

## **BACKGROUND DATA**

### **Area Development**

The subject site is located on Lake Union in an Urban Stable (US) shoreline environment. The existing use of the area is a Recreational Marina with associated structures and a Marine Service Center (Marine and Drydock Facility). The existing conditions also include two fixed moorage piers with thirty-eight boat moorage slips. The existing area of submerged land for Parcel I, DNR lease area, is approximately 20,000 which is not included in this proposal. The total existing area of submerged land for Parcel A is approximately 22,381 sq. ft. This proposal includes work in the right of way which has an area of approximately 13, 773 sq. ft. An existing floating home moorage (Phoenix Moorage Condominiums) is located directly south of the subject property. The zoning designation of the site is Commercial One with a forty-foot height restriction (C-1/40').

### **Proposal**

The owners of Cadranell Yacht Landing, on Lake Union, have applied for a Shoreline Substantial Development permit to change the use of a Recreational Marina with associated structures to a New Floating Home Moorage for 8 Floating Homes with associated walkways. The proposal includes the removal of 2 existing fixed moorage piers with 38 boat moorage slips to a single floating dock for 8 floating home moorage slips at the Marine Service Center (Marine and Dry Dock facility). This proposal will reduce the over water coverage to approximately 9,998 square feet and is proposed to include shoreline rehabilitation and possible public improvements to the adjacent street end of East Louisa Street. The proposal includes 21 steel batter piles from 14 inch in diameter to 24 inch in diameter (see plans on file for location of piles). An application has been submitted under project number 2305119 to provide covenant parking for the 8 floating homes, across Fairview Avenue E. in an existing off-site accessory parking lot. This Shoreline project, zoned C-1, with an Urban Stable environment, also requires a Shoreline Conditional Use Permit.

This proposal includes the following development in the right of way: landscaping to increase vegetation along the shoreline, pedestrian walkway for public access to the shoreline, reconfiguration of an existing shed for trash and recycle, street parking, removal of wood frame structure and a new approximately 120 square foot, 10-12 foot high entry pavilion for access to a six foot wide access ramp (gangway) to the floating home moorage. This work will require appropriate permits issued by Seattle Department of Transportation.

### **Public Comment**

The comment period for the proposed project ended October 10, 2003 and four comment letters were received. Two comment letters were in support of the project and two letters related concerns regarding parking for the New Floating Home Moorage, the clean up of the lake bottom pollution and the shoreline.

King County Metro generally recommends for floating homes, that to protect the water quality of Lake Union, materials, and construction methods should be used, which prevent toxic materials, petrochemicals, and other pollutants from entering surface water during and after construction. The least toxic wood preservatives that is appropriate for fresh water should be used. Any construction debris floating in the water shall be promptly removed.

Puget Sound Clean Air Agency sent a letter to the applicants, with the appropriate forms enclosed, notifying them that their Regulation III, Section 4.03(a) states that:

“It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer, has been submitted to the Agency on approved forms, in accordance with the advance notification period requirements....”

## **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

### **Substantial Development Permit Required**

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;*
- B. The regulations of this Chapter; and*
- C. The provisions of Chapter 173-27 WAC.*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

### **A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW**

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

## **B. THE REGULATIONS OF CHAPTER 23.60**

The regulations of SMC, Section 23.60.064 require that the proposed use(s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

### **SMC 23.60.004 - Shoreline Policies**

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district.

The policies support and encourage the establishment of water dependent uses. Floating homes, because of their historic role in Seattle, are designated as a water dependent use, but the increase of floating home moorages or the increase in use of the shoreline or water area by floating homes, however, is not necessarily encouraged. The intent is to recognize the existing floating home community in Lake Union and Portage Bay, while protecting natural areas, preserving public access to the shoreline, and preventing the displacement of water dependent commercial and manufacturing uses by floating homes. Areas with substantial concentrations of existing floating homes shall be given a designation that preserves residential uses.

The proposal site is located in an area designated as an Urban Stable environment which allows Floating Home Moorages if the criteria for conditional uses in WAC 173-27-160 are satisfied. The purpose of which is to protect water-dependent, water-related or associated industrial or commercial uses better suited to the land.

While the site in question is zoned C1-40, most of the surrounding property, including waterfront, is in a Single Family zone. Only this property and the marina to the north are in a commercial zone. The streets do not appear to be improved for industrial or heavier commercial uses. There are, existing floating home moorages, both, to the south and north of the subject site. The proposal would remove the over-water coverage from the lease area, and decrease the water coverage on the private property, particularly in the near-shore area, which is most important as salmon habitat.

## Development Standards

The proposal to construct a New Floating Home Moorage, in the US shoreline environment, is permitted subject to the Conditional Use criteria in SMC 23.60.604A3. The proposed action is therefore subject to:

1. *the general development standards for all shoreline environments (SSMP 23.60.152);*
2. *the development standards for uses in the UR environment (SSMP 23.60.540);*
3. *the development standards for conforming floating homes (SSMP 23.60.196); as well as*
4. *the development standards for Single Family zones (SMC 23.44).*

### 1. General Development Standards for all Shoreline Environments (SSMP 23.60.152)

These general standards apply to all uses in the shoreline environments. They require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity. All shoreline development and uses must, in part: 1) minimize and control any increase in surface water runoff so that receiving water quality and shoreline properties are not adversely affected; 2) be located, designed, constructed, and managed in a manner that minimizes adverse impact to surrounding land and water uses and is compatible with the affected area; and 3) be located, constructed, and operated so as not to be a hazard to public health and safety. The proposed construction of a new floating home moorage is consistent with the general standards for development within the shoreline area. General development standards (SSMP 23.60.152) state that Best Management Practices shall be followed for any development in the shoreline environment. These measures are required to prevent contamination of land or water. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. To ensure conformance with the standards in SMC 23.60.157, the proponent will be required to notify contractors and subcontractors of these requirements.

### 2. Development Standards for US Shoreline Environments (SSMP 23.60.630)

The development standards set forth in the Urban Stable Shoreline Environment relate to height, lot coverage, maximum size limits, view corridors and public access. The site proposal is subject to the development standards set forth in the Urban Stable Environment and specific to floating home moorage standards. Please refer below to the following section.

### 3. Development Standards for Conforming Floating Home Moorages (SSMP 23.60.196)

There are two sets of development standards for floating homes; conforming and non-conforming moorages. The proposed subject moorage is conforming. New moorages or expanded portions of conforming floating home moorages are permitted subject to the provisions set forth in SMC 23.60.196 B. The floating home moorage is located on privately owned or privately controlled premises and no floating home shall be located in any waterway or fairway or in the public waters of any street or street end (SMC 23.60.196 A2). The existing views of the water from other moorage tenants will not be blocked (SMC 23.60.196.A3).

**Conforming Floating Home Requirements:**

	<b>Code Provision</b>	<b>Required</b>	<b>Proposed</b>
<b>Float Area</b>	23.60.196.B1.b	Float area shall not exceed 1200 sq. ft.	1200 sq. ft. float area.
<b>Height</b>	23.60.196.B1.a	21 feet max height from water level	21 feet max height from water level
<b>Setback</b>	23.60.196.B1.e	10 feet min distance between adjacent floats and walls.	10 feet minimum distance between adjacent floats and walls.
<b>Setback</b>	23.60.196.B1.e	5 feet min. distance between subject wall and site line	5 feet minimum
<b>Open Water</b>	23.60.196.C1.e	No part of home may be further extended over water, beyond float edge.	No portion of the proposed structure extends beyond float edge.
<b>Site Area</b>	23.60.196.C1.f	Accessory floats	No accessory float proposed.
<b>View Corridor</b>	23.60.636B	Not required for single family development	N/A

The total height of the floating homes will not exceed 21 feet at the highest point measured from the surface of the water. The minimum site area for each individual floating home exceeds the 2,000 square feet that is required by Section 23.60.196B1c. The over-water coverage of the submerged portion of the moorage lot area is 9,998 square feet, which is 45 percent of the submerged lot area (9,998 sq. ft./22,381 sq. ft.). The maximum overwater lot coverage allowed is 50 percent. All of the proposed setbacks from the adjacent walls and floats satisfy the standards for the conforming floating home structures.

The proposed project is consistent with the development standards for conforming floating home structures.

4. General Development Standards for Single Family Zone Uses (23.44 SMC)

SMC 23.44.008.C states that floating homes shall be subject to the provisions of SMC Chapter 23.60 except they shall be subject to the parking provisions of this chapter. The proposed floating homes at this moorage shall have designated required parking spaces established under project number 2305119 and by an off-site accessory parking covenant.

B. **SHORELINE CONDITIONAL USE**

Uses, which are classified, or set forth, in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

- a. *That the proposed uses is consistent with the policies of RCW 90.58.020 and the master program;*
- b. *That the proposed use will not interfere with the normal public use of public shorelines;*

- c. *That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;*
- d. *That the proposed uses will cause no significant adverse effects to the shoreline environment in which it is to be located; and*
- e. *That the public interest suffers no substantial detrimental effect.*

The proposed use is consistent with the above criteria because the proposed development will not change the character or affect the ecology of the shoreline (Lake Union) and will not alter or interfere with the existing public use or recreational opportunities for the public in the shoreline. It will allow for improved drainage of the site and restore shoreline native vegetation along 215 feet of the shoreline. Several design elements and placement of the overwater structures will improve the current conditions of the site. A Clean-up Documentation Plan that describes the procedures that will be used to ensure that all debris will be removed from the substrate, at the site, will be provided. Removal of debris on parcels that are currently leased will be included in the plan. Before and after video documentation will also be included. Additional vegetation closer to the water, along the north part of the project area will be provided and the pedestrian path will be set further landward. Three parking spaces to the north end of the site and parallel to the shoreline will be provided. This proposal will also include directing the stormwater runoff from the parking areas into the appropriately sized bioswale before the water is discharged off the property. The project will be consistent with the goals and policies of RCW 90.58.020 and Seattle's Shoreline Master Program.

Because the work will be adjacent to such a fragile shoreline ecosystem, conditions will be required that will ensure the work is done in a manner that is not detrimental to the shoreline environment.

### Discussion

Floating home moorages are permitted as a Shoreline Conditional Use in the US environment in Lake Union. One of the conditional use criteria ( #3b) is that the residential use will not usurp land better suited to water-dependent, water-related or associated industrial or commercial uses. Another criterion (#3a) is that the immediate environs (existing structures and uses) are not incompatible with the residential use.

### Conclusion

The language in criterion 3b is not as stringent, for example, as the general standard for single-purpose residential use in commercial zones. The question is not whether the property *could be used* for a commercial or industrial purpose, or whether there might be a market for the property for such a purpose, but rather whether the property is *better suited* for such a use. In this case while the site in question is zoned C1-40, most of the surrounding property, including waterfront, is in a Single Family zone. Only this property and the marina to the north are in a commercial zone. The streets do not appear to be improved for industrial or heavier commercial uses. It is fair to say that the property is not, better suited for such uses than for a floating home moorage. The property immediately adjacent to the south is a floating home moorage. It appears the proposal would decrease the water coverage, particularly in the near-shore area, which is most important as salmon habitat. It appears there is good support for approving the proposed floating home moorage at this site.

### **DECISION - SHORELINE CONDITIONAL USE**

The Shoreline Conditional use is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

#### **C. THE PROVISIONS OF CHAPTER 173-27 WAC**

Chapter 173-27 of the WAC, sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

#### **Summary**

In conclusion, no additional adverse impacts to the lake bed or water quality are expected, and the proposed floating home moorage site will be consistent with the provisions set forth by 90.58 RCW, 173-27 WAC, and Chapter 23.60 SMC also known as the Seattle Shoreline Master Program (SSMP).

### **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 4<sup>th</sup>, 2003. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SSMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations/circumstances (SSMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

#### **Short-term Impacts**

The following temporary or construction-related impacts are expected: temporary increase in noise levels, increased congestion along roadways, increased levels of fugitive dust and fumes, disturbance of shorelines and park use, increases in sedimentation and turbidity, and displacement of some aquatic and wildlife species due to in-water construction and noise. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and, in some cases, mitigation may be warranted.



Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Seattle Stormwater, Grading and Drainage Control Code (erosion control during construction); the Noise Ordinance (construction noise); and State Air Quality Codes administered by the Puget Sound Clean Air Agency (air quality). In addition Federal and state regulations and permitting authority (Section 10 and HPA permits) are effective to control short-term impacts on water quality and habitat impacts. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project. While, in some cases mitigation measures pursuant to SEPA policies might be necessary, in this case conditions derived from the State Department of Fish and Wildlife HPA Permit and imposed both at the state level and pursuant to Shoreline Permit authority are effective measures designed to control many short-term environmental impacts.

The applicant's Biological Evaluation submitted as part of their environmental review discloses that during pile and pier removal of existing structures and installation of new in- and over water structures, water quality may be impacted in the project area. Uses of Best Management Practices ("BMPs") are offered to reduce impacts as necessary. BMPs suggested by the applicant are:

- Installation of a sediment control fence around shoreline and upland work to minimize the amount of sediment introduced to Lake Union.
- Perform construction from a barge or workboat and construction debris will be stockpiled on the barge with the appropriate containment material around the barge so that construction debris does not end up in the water.
- Dispose of all construction debris in the appropriate upland facilities.
- Locate the barge so that it does not ground.
- Develop a spill prevention control and containment plan and ensure that an emergency spill-containment kit is on hand to contain any hydraulic fluid or other petroleum products should any discharge into the water occur.

Additionally other BMPs are appropriate for this proposed work and include:

- Installation a silt curtain around the work areas
- Use a vibratory hammer and extractor to remove and install piling.

The use of a vibratory extractor will minimize the localized disturbances to the sediments around the pile and the sediment will fall from the water column within hours. During pile installation, use of the vibratory hammer likewise substantially reduces turbidity. Based upon this information it is necessary to condition the project to use Best Management Practices during pile extraction and installation as necessary to meet applicable State of Washington water quality standards.

No further SEPA conditioning of potential short-term impacts appears to be warranted.

#### Long-term Impacts

Long-term or use related impacts are also anticipated from the proposal and include: increased human activity in the near-shore shoreline environment; increased traffic on surrounding streets; increased light in the near-shore aquatic environment; increased noise from human activities; and potentially increased adverse impacts on fish habitat and migration routes. These long-term impacts could be considered significant without mitigation. Therefore the following impacts merit a detailed discussion.

### Light

The introduction of light into the near-shore aquatic environment may have impacts of unknown magnitude upon fish migrating through the site. Depending upon the location and intensity of light introduced that impact may be negative or positive in varying amounts. For this reason, the introduction of any artificial light sources should be strictly controlled and its resulting impacts studied. Conditioning will be imposed to design the illumination pattern of all artificial lighting initially installed on the piers, floats, and houseboats to minimize to the greatest reasonable extent spill over onto surrounding water surfaces.

### Plants and Animals

Assessing environmental impacts of the project for purposes of possible SEPA conditioning requires comparison to the existing on-site conditions. The total over water coverage on the project site is expected to be reduced from approximately 30,245 sq. ft. to approximately 9,998 sq. ft. The configuration of the new coverage area will be such that the structures will be moved away from the nearshore lake environment providing a migration corridor for juvenile salmon and trout. The new pier and float structures will be grated to allow light to pass through and the number of piling to be removed and installed will result in a reduction of pilings to a total of 21 piling at the site. Additionally, the shoreline area of the site will be planted with native vegetation. This will benefit the aquatic environment by providing terrestrial input to the lake in the form of insects, woody debris, and leaf litter, which feed the aquatic food web and provide habitat forming elements to the aquatic habitat.

These design measures are expected to have a net positive impact on fish habitat. However, the nature and full extent of these measures are not certain.

Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit Lake Union including the proposed project area. Under the City of Seattle's Environmental Policies and Procedures 25.05.675 N (2) it states in part: *A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.*

This project is proposed to occur in the nearshore environment and in deeper waters of Lake Union, which is habitat of chinook salmon. The project site serves as a migration corridor as well as rearing habitat for juvenile chinook salmon from the Cedar River and other water bodies in Water Resource Inventory Area 8. Additionally, predators of juvenile chinook are known to inhabit areas under pier structures and may use these areas as cover while preying on juvenile chinook. Small mouth bass, an introduced predator of juvenile chinook, also use the base of pilings and debris piles as nesting sites.

Clearly identified impacts include continued overwater coverage in critical habitat of a threatened species. Overwater coverage in the form of pier structures and floating homes reduces the amount and quality of natural habitat of juvenile chinook salmon and provides habitat for introduced predator species of juvenile chinook. Measures proposed by the project proponent to mitigate impacts to the ESA listed species and other aquatic wildlife [SEPA checklist 5(d)] include using steel piles, which are less toxic than treated wood piling and the inclusion of grating in the decks of pile and floats to allow for greater light penetration under the proposed piers and floats. The project proponent will also remove approximately 20,247 square feet of overwater coverage, plant 215 lineal feet of the shoreline with native vegetation and place

the new overwater structures further away from nearshore environment of the lake. Each of these measures is believed to improve habitat conditions for native fish species utilizing the site. Collectively they are believed to help eliminate dark areas under the overwater structures, eliminate debris on the substrate, which provides habitat for small mouth bass, an introduced fish species. Predators of juvenile salmonids are known to inhabit under pier areas.

Additionally a Clean-up Documentation Plan that describes the procedures that will be used to ensure that all debris will be removed from the substrate at the site will be provided. Removal of debris on parcels that are currently leased should be included in the plan. Additionally, before and after video documentation will be included as part of the documentation. There is potential for debris to enter the water during construction, BMPs will be required to minimize this potential. In conjunction with the requirements set forth by SSMP 23.60.152, the general recommendations from Metro shall also be followed as conditioned below.

### *Bulk and Scale*

The maximum height of the eight new conforming floating homes will be twenty-one feet (21') which is the maximum allowed, from the water surface, for a conforming floating home moorage. There is adequate separation between the proposed eight new floating homes, so solar access to those sites will not be obstructed. The appearance of bulk of the floating homes will be reduced by design elements incorporated into the structure and placement of the floating homes on each individual site area. There are a number of existing floating homes in the vicinity, to the north and south, of a similar size and scale as the proposal. For these reasons, the proposed new floating home moorage will not be out of scale with other floating homes in the vicinity, and no adverse impacts are expected related to bulk and scale.

### *Other Impacts*

Several adopted Codes and Ordinances and other Agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Air Pollution Control Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise and increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

### **SEPA AND SHORELINE CONDITIONS**

The following conditions to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

The owner(s) and/or responsible party(s) shall:

#### **Prior to Issuance of a Construction Permit**

1. Notify in writing all contractors and sub-contractors of the general requirements of the Shoreline Master Program (SSMP 23.60.152), and shall be subject to the following:
  - a) The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards, and regulations of water quality management programs and regulatory agencies.
  - b) Best Management Practices shall be employed during the proposed over-water work as necessary to keep debris and deleterious material out of the water. The contractor shall include on the plans a written description of the BMPS that will be used during the proposed work. BMPs should include a floating boom to contain debris that enters the water and a silt curtain to contain turbid water.
  - c) Prior to commencing construction, an emergency containment plan and procedures shall be developed for all toxic material that will be kept on site. All necessary equipment for containment and clean-up of this toxic material should be stocked on the site. A sufficient number of personnel, both during construction and during on-going operations, shall be trained in the proper implementation of this plan.
  - d) Equipment for the transportation, storage, handling and application of oil, chemicals, or other hazardous materials shall be maintained in a safe and leak-proof condition to prevent release of this material into the water. If there is any evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
2. Provide proof of appropriate street use permits from SDOT for all work to be done in the Right-of-way.
3. The Vegetation Monitoring Plan that ensures 80 percent survival of the native shoreline vegetation planted shall be included in the building plan set
4. Develop and submit a Clean-up Documentation Plan that describes how the debris on the site (including currently leased areas and street right of way) will be cleaned up. The plan shall include the use video documentation of the area before and after the clean up of the site.

5. Provide a plan that ensures that runoff from the proposed new parking spaces and current parking spaces for the new floating homes shall not enter Lake Union untreated.
6. Develop a Best Management Practices document that will be used for the residents of houseboats to ensure that no deleterious material enters the water during normal use of this area.

During Construction

7. A Section 10 Permit from the Army Corps of Engineers and a Hydraulic Project Approval Permit from Washington Department of Fish and Wildlife shall be successfully obtained and the terms and conditions of each permit shall be followed.
8. TIMING LIMITATIONS: Pile removal or driving below the ordinary high water line ("OHWL") shall not occur between April 16 and September 30 of each year construction is taking place.
9. In order to further mitigate the noise impacts during demolition and construction, the owner(s) and/or responsible party(s) shall limit the hours of demolition and construction to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and between 9:00 a.m. and 6:00 p.m. on Saturdays. This condition may be modified by the Department to permit work of an emergency nature or to allow low noise interior work after the shells of the structure are enclosed. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.
10. The owner(s), builder(s), or responsible party(s) shall follow BMPs to prevent debris and other deleterious material from entering the water during demolition and construction. These BMPs include:
  - a) Install a sediment control fence around shoreline and upland work to minimize the amount of sediment introduced to Lake Union.
  - b) Perform construction from a barge or workboat and construction debris will be stockpiled on the barge with the appropriate containment material around the barge so that construction debris does not end up in the water.
  - c) Dispose of all construction debris in the appropriate upland facilities.
  - d) Locate the barge so that it does not ground.
  - e) Develop a spill prevention control and containment plan and ensure that an emergency spill-containment kit is on hand to contain any hydraulic fluid or other petroleum products should any discharge into the water occur.
  - f) Install a silt curtain around the work areas
  - g) Use a vibratory hammer and extractor to remove and install piling.
11. If floating debris enters the water during the proposed work this debris shall be removed immediately and stored until it can be disposed of at an appropriate upland facility.
12. If heavy (sinking) debris enters the water during the proposed work the location of the debris shall be documented. When construction is complete a diver shall retrieve all debris that has entered the water and sunk during the proposed work.

13. Equipment using oil, gasoline, or diesel used on site shall be checked for evidence of leakage, if evidence of leakage is found the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
14. Grating shall be installed in 495 square feet of the proposed ramp.
15. Fourteen lightwells will be installed along the main float.
16. No treated wood shall be used in any decking material.
17. If treated wood is proposed for other structures, this wood shall be professionally treated and completely cured using the best management practices developed by the Western Wood Preservers Institute (<http://www.wwpinstitute.org/>) before this wood is used for this project.
18. The use of wood treated with creosote or pentachlorophenol is prohibited.
19. Native vegetation planting shall occur along 215 lineal feet of the shoreline for a total of approximately 5,225 square feet and shall be maintained for five years to ensure 80 percent or greater survival. This vegetation shall not be removed or trimmed without prior City of Seattle DPD consultation (Margaret Glowacki 206-386-4036).
20. Flotation used in any of the overwater structure shall be enclosed and contained to prevent the breakup or loss of the flotation material into the water.
21. Provide before and after video documentation for removal of debris, from street right of way and private and leased area, as part of the Clean-up Documentation Plan.

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22. No herbicides, pesticides or chemical fertilizers shall be used in the shoreline area.
23. Extreme care shall be taken to ensure that no petroleum products, other toxic substances, including household chemicals, herbicides pesticides, chemical fertilizers, miscellaneous debris and/or other deleterious materials are allowed to enter or leach into the lake.
24. The illumination pattern of all artificial lighting installed on the piers and all floats including houseboat floats shall be designed to minimize to the greatest reasonable extent spill-over onto surrounding water.
25. The amount of light that can pass through the houseboat structures shall be maximized to the greatest extent possible.

Signature: (signature on file) Date: March 18, 2004  
Joan S. Carson, Land Use Planner II  
Department of Planning and Development  
Land Use Services